

REMARKS

Claims 1-6 and 11-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,614,450 to Neiman in view of U.S. Patent No. 3,970,397 to Armstrong. The rejections are respectfully traversed.

The Neiman reference discloses a portable index card holder for notebooks, as shown in Fig. 1. The holder includes a support member 10 having at least one transparent rectangular sheet 18 connected thereto by a heat seal 19 to form a hinge. A V-shaped strip 20 is heat sealed to a lower end of the transparent sheet 18 to define pockets 26, 27 for receiving an index card 25 therein, as shown in Fig. 3. The support member 10 may be connected to a ring binder notebook 17 by engaging the binding holes 11, 12, 13 with the rings 14, 15, 16 of the notebook 17.

The Armstrong reference discloses a business card system. As illustrated in Fig. 1, the system includes a card 10 having four edges 12, 14, 16, 18 and a pair of T-shaped slots 22 adapted to engage the rings of a Rol-O-Dex-type card holder. Perforation lines 34, 36, 38, 44, 46 and additional T-shaped slots 48, 50 allow a user to reduce the size of the card 10 by removing portions of the card 10 at the perforation lines 34, 36, 38, 44, 46, thereby allowing a single card 10 to be fitted for use in Rol-O-Dex-type card holders of various sizes.

The Examiner has argued that it would have been obvious to combine “the supply sheet of Armstrong with the system of Neiman.” Office Action, p. 2. Applicants respectfully disagree and submit that the Office action fails to establish a prima facie case of obviousness.

Section 2143 of the MPEP sets forth the basic requirements of a prima facie case of obviousness as follows:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants submit that (1) the combination of the Neiman and Armstrong references does not teach or suggest each limitation of the pending claims of the present application, (2) the Neiman and Armstrong references teach away from the claimed system and, therefore, fail to provide the necessary suggestion or motivation to combine and (3), even if the Examiner's proposed combination is made, the Office action fails to offer any facts or arguments that support the position that the Examiner's proposed combination has a reasonable expectation of success.

The combination of the Neiman reference with the Armstrong reference provides a portable index card holder and a business card system with no mention of binding the two together with a binding mechanism. In contrast, the pending claims of the present application require, among other things, a storage sheet having at least one pocket, a supply sheet having at least one index card formed therein and detachable therefrom, and a binding mechanism for binding the storage sheet and supply sheet together.

Applicants submit that the Examiner's proposed combination of the Neiman and Armstrong references does not teach, among other things, a binding mechanism for binding the storage sheet and supply sheet together. In particular, none of the references cited in the Office action, let alone the Neiman and Armstrong references, teach or suggest a binding mechanism for binding an index card supply sheet together with an index card storage sheet having at least one pocket.

Accordingly, it is submitted that the Examiner's proposed combination fails to teach or suggest each limitation of the pending claims of the present application and, therefore, fails to support a prima facie case of obviousness.

Furthermore, it is submitted that the Office action fails to cite to any reference that offers a suggestion or motivation to make the Examiner's proposed combination. In particular, Applicants submit that the Neiman and Armstrong references teach away from the Examiner's proposed combination.

As discussed above in greater detail, the Neiman reference discloses an index card holder adapted for use with a three-ring binder and the Armstrong reference discloses a business card

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including multiple perforation lines and multiple T-shaped slots such that the business card may be used in Rol-O-Dex-type card holders of various sizes. Therefore, the Neiman and Armstrong references teach entirely different devices adapted to be used in entirely different ways (i.e., with three-ring binders and Rol-O-Dex-type card holders, respectively).

In particular, it is submitted that Neiman's index card holder is not intended to be used with a Rol-O-Dex-type card holder and Armstrong's business card is not intended to be used with a three-ring binder. Therefore, it is submitted that one skilled in the art would not be motivated to make the Examiner's proposed combination.

Furthermore, none of the prior art references cited in the Office action suggest that the index card holder of the Neiman reference may be used in combination with the business card of the Armstrong reference, nor does the cited prior offer any suggestion or motivation to bind the index card holder of the Neiman reference together with the business card of the Armstrong reference. In contrast, Applicants submit that the T-shaped slots and binding holes of the Armstrong business card preclude the need for the index card holder of the Neiman reference.

Thus, it is submitted that one skilled in the art would not look to the Armstrong reference when seeking to improve upon the index card holder of the Neiman reference or to the Neiman reference when seeking to improve upon the business card of the Armstrong reference.

Accordingly, it is submitted that the Office action fails to establish a prima facie case of obviousness and withdrawal of the rejections of claims 1-6 and 11-29 is respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Neiman reference in view of the Armstrong reference and further in view of U.S. Patent No. 6,652,178 to Walton. For the reasons expressed above, the rejection of claim 7 is respectfully traversed.

Claims 1, 7 and 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Walton reference in view of the Armstrong reference and further in view of U.S. Patent No. 3,720,304 to Laugherty et al. The Walton reference discloses a sheet including pockets for receiving and storing cards, wherein, like the Neiman reference, the sheet includes binding holes for attaching the sheet to a three-ring binding. Therefore, for the reasons expressed above, the

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rejections of claim 1, 7 and 8-10 are respectfully traversed.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



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